

AMENDED

No. 60666

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office NOV 18 1994

Returned to applicant for correction JAN 11 1995

Corrected application filed FEB 08 1995

Map filed FEB 08 1995

The applicant Everett E. Gustin

P.O. Box 894, of Elko,
Street and No. or P.O. Box No. City or Town

Nevada 89803, hereby make s application for permission to appropriate the public
State and Zip Code No.

waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is underground
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 0.50 second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet

3. The water to be used for Commercial (Shopping Center)
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated

(b) Stockwater, state number and kinds of animals to be watered

(c) Other use (describe fully under No. 12. "Remarks")

(d) Power:

(1) Horsepower developed

(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point Lot 2 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 3, T. 33 N.,
Describe as being within a 40-acre subdivision of public

R. 56 E., M.D.B. & M. or at a point from which the N $\frac{1}{2}$ corner of said Section 3
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.

bears N. 87° 30' W. for a distance of 777 feet.

6. Place of use Portions of the NW $\frac{1}{4}$ of Section 3 and Lot 4 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 2; all
Describe by legal subdivision. If on unsurveyed land, it should be so stated.

in T. 33 N., R. 56 E., M.D.B. & M. place of use comprises a total of 53.91 acres.

7. Use will begin about January 1 and end about December 31, of each year.
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Well, pump, motor, storage tank & distribution
State manner in which water is to be diverted, i.e. diversion structure, ditches and

lines to the various stores.
flumes, drilled well with pump and motor, etc.

9. Estimated cost of works \$219,000

10. Estimated time required to construct works 18 months
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use 2 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

Retail shopping center consisting of approximately 25 stores and offices. Daily
consumption is estimated to be 57,000 gallons. Annual consumptive use would
therefore be 21,000,000 gallons or 64.5 acre-feet.

s/ Charles C. Armuth, Jr.

By Charles C. Armuth, Jr.; Agent
1262 Hannah Drive
Elko, NV 89801

Compared sm/ cm cl/cmg

Protested 3/1/95 by: Pershing County Water Conservation District of Nevada Pro. wdr. 11-3-95
3/21/95 by: Dale C Bugenig 4/17/95 by: Spring Creek Utility Company
Pro. Wdr. 12-18-95 Pro. Overruled 3-28-96; Ruling 4319
APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.
(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.50 cubic feet per second, and not to exceed 64.5 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before June 12, 1998
Proof of completion of work shall be filed before July 12, 1998
Application of water to beneficial use shall be filed on or before June 12, 2001
Proof of the application of water to beneficial use shall be filed on or before July 12, 2001
Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed

Proof of beneficial use filed

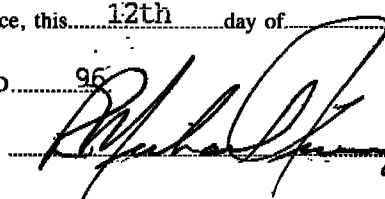
Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 12th day of June

A.D. 96


State Engineer

Abrogated By 63202 0.50

(PERMIT TERMS CONTINUED)

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued in accordance with State Engineer's Ruling #4319, dated March 28, 1996.

